

Article - Business Regulation

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§14–110.

(a) (1) Whenever the Commissioner determines that a person has engaged or is about to engage in an act or practice that constitutes a violation of this subtitle or a violation of a regulation adopted or order passed under this subtitle, the Commissioner may, without a prior hearing, pass a summary order directing the person to cease and desist from engaging in the activity that constitutes a violation.

(2) The summary order shall provide:

(i) notice of the opportunity for a hearing before the Commissioner to determine whether the cease and desist order should be vacated, modified, or entered as final; and

(ii) notice that the Commissioner shall enter the order as final if the person subject to the cease and desist order fails to request a hearing within 15 days after the receipt of the cease and desist order.

(3) Whenever the Commissioner determines after notice and a hearing that a person has engaged in any act or practice constituting a violation of this subtitle, the Commissioner may in the discretion of the Commissioner and in addition to taking any other action authorized under this subtitle:

(i) pass a final cease and desist order against the person;

(ii) bar the person from engaging in the offer and sale of business opportunities in the State; or

(iii) take any combination of the actions specified in this section.

(b) (1) The person subject to the cease and desist order may waive the right to a hearing.

(2) If a person subject to a cease and desist order waives the right to a hearing, the Commissioner is not required to hold a hearing to take any action under subsection (a)(3) of this section.

(c) (1) Whenever the Commissioner determines that any person has engaged in or is about to engage in an act or practice constituting a violation of this

subtitle or a violation of a regulation or order under this subtitle, the Commissioner may sue in the circuit court to obtain one or more of the following remedies:

- (i) a temporary restraining order;
 - (ii) a temporary or permanent injunction;
 - (iii) a declaratory judgment;
 - (iv) the appointment of a receiver or conservator for the defendant or the defendant's assets;
 - (v) a freeze of the defendant's assets;
 - (vi) a civil penalty up to a maximum amount of \$5,000 for any single violation of this subtitle;
 - (vii) restitution;
 - (viii) rescission; or
 - (ix) any other relief as the court finds just.
- (2) The Commissioner may not be required to post a bond in any action under this section.

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